

URGENT ACTION

VULNERABLE ASYLUM SEEKER UNFAIRLY DETAINED

Loghman Sawari, an Iranian refugee, is being detained at Waigani Police cells, Papua New Guinea, under new charges under the Migration Act. Currently on bail for similar charges under the Passport Act, the Court will determine a preliminary application to dismiss these charges on 18 April 2017.

Loghman Sawari is facing multiple charges for allegedly using false information on a passport application and for having an irregular passport under the Migration Act and the Passport Act. The latest charges came as the court was considering an application to dismiss initial charges under the Passport Act due to lack of evidence. It appears the new charges are substantially the same as the earlier charges and rely on the same alleged facts. The penalties for each charge include up to six months imprisonment. Article 31 of the Refugee Convention provides that countries should not punish refugees for irregular entry or stay. Even if false information or documents were used, Loghman Sawari should not face any penalties for leaving Papua New Guinea to seek asylum elsewhere.

Loghman Sawari was deported from Fiji to Papua New Guinea without his claim for asylum being assessed and was detained for 10 days before being granted bail on 14 February 2017. Due to the lack of evidence, the fact that he is already on bail with strict conditions and that there is no necessary or proportionate reason to detain him, his current detention is regarded as arbitrary and unlawful under international law. Loghman Sawari has a number of physical and mental health concerns for which he has been seeking ongoing treatment and will most likely have to stop while in detention.

Loghman Sawari was unlawfully detained in August 2013 (then 17 years old), for around three years, at the Australian-run detention centre for adult males on Manus Island, Papua New Guinea while his refugee claim was being processed. The treatment of refugees on Manus Island through the prolonged uncertainty and poor conditions amounts to torture or other cruel and degrading ill-treatment. Once claims are processed, the Papua New Guinean and Australian governments offer little support, financial or otherwise, to refugees who choose to live outside the two prison-like compounds on Manus Island nor do they provide any identity or travel documents. Refugees are denied the right to work and move around the country freely, resulting in them being unable to settle in Papua New Guinea or to ever leave the country.

Please write immediately in English or your own language urging authorities to:

- Immediately and unconditionally release Loghman Sawari and drop all charges against him;
- Ensure that Loghman Sawari receives prompt and necessary physical and psychological medical care, free of charge, and police do not screen requests for access to medical care;
- Enable and facilitate Loghman Sawari settling in Australia, where he first sought asylum, or enable and facilitate settlement in an appropriate third country.

PLEASE SEND APPEALS BEFORE 18 MAY 2017 TO:

Papua New Guinea Minister for
Immigration
Rimbink Pato
PO Box 639
Waigani, Port Moresby
Papua New Guinea
Fax: +675 325 5206
Salutation: Dear Minister

Minister for Immigration and Border
Protection
Peter Dutton
PO Box 6022, Parliament House,
Canberra ACT 2600, Australia
Fax: +61 (02) 6273 4144
Email: peter.dutton.mp@aph.gov.au
Salutation: Dear Minister

And copies to:
Papua New Guinea Prime Minister
Peter O'Neill
PO Box 639
Waigani
Port Moresby
Papua New Guinea
Fax: +675 327 7480

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 37/17. Further information:

<https://www.amnesty.org/en/documents/asa34/5770/2017/en/>

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ADDITIONAL INFORMATION

Loghman Sawari claims he faced persecution due to his refugee status while in Papua New Guinea. He has stated that he was assaulted by a guard at the detention centre in September 2015 (for allegedly asking for more washing powder), and was imprisoned four times at Lorengau Police Station without charge (for allegedly going on hunger strike and asking for a visa). Loghman Sawari says he reported assaults, death threats and a robbery to the Manus Provincial Police Chief David Yapu, but no action was taken.

As of December 2016, around 850 refugee men remain in Papua New Guinea after being sent there by the Australian government. Most of these men live in two facilities on Manus Island, with restricted freedom of movement and no right to work. Conditions remain overcrowded and cramped, with inadequate medical care. Amnesty International, UNHCR and the Special Rapporteur on Extra Judicial Executions have all condemned the detention of refugees and the failure to protect refugees from violence at the centre.

On 26 April 2016, the Supreme Court held that the detention of refugees and asylum seekers for over three years was illegal and unconstitutional and ordered the Australian and Papua New Guinean governments to immediately close the camps. The camps remain open, although refugees have filed a court case to try and force the closure of the camps.

Three people have died as a result of their detention on Manus Island since 2012 – Reza Berati, an Iranian asylum seeker who was killed after locals attacked the centre in February 2014; Hamid Khazaei, an Iranian who died from a medical infection to his foot in September 2014; and Faysal Ahmed, a 27 year old Sudanese refugee, who died on 24 December 2016 following a fall and a seizure. While two people were convicted for the murder of Reza Berati, witness's claim at least two other people were involved who have not faced any charges. In addition to Reza Berati's death, over 100 detainees received medical treatment for their injuries from violence that erupted at the centre but other than the two convictions, no one has been held responsible.

While some refugees may be able to leave the two immigration centres on Manus Island during the day, strict curfews apply. Physical attacks against asylum seekers are reported and are rarely investigated or prosecuted by local police. On around 10 August 2016, two Afghan refugees were violently attacked by locals on Manus Island.

Papua New Guinea is not an appropriate country for refugee processing or settlement. It is an impoverished country with high rates of unemployment, serious problems with violence—particularly against women—and a general intolerance for outsiders. Police abuse is rampant. It has a poor track record of protecting the limited numbers of refugees (mostly from the Papua province in Indonesia) it has received to date. The prospects of successfully integrating larger numbers of refugees from a greater variety of cultures and faiths are dim.

Australia has also sent just over 1,000 refugees (mostly women and children) under a similar arrangement to the small island nation of Nauru, where refugees have made complaints of violence and sexual assault by local people and the police have failed to adequately investigate such complaints.

Amnesty International continues to call on the Australian, Papua New Guinean and Nauruan governments to end offshore processing, and immediately bring refugees and asylum seekers on Nauru and Manus Island to Australia, or some other appropriate third country.

Name: Loghman Sawari

Gender m/f: m

Further information on UA: 37/17 Index: ASA 34/6030/2017 Issue Date: 6 April 2017